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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	**PAPER NUMBER**
2643	2

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/955,541	HAN ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the item numbers shown in the drawings is not consistent with numbers used in the specification. For example referring to drawing description of fig. 2, the specification on page 6 says that the call terminal 10 includes a control processor 110, GPS module 120, a read only memory (ROM) 140, whereas drawing of fig. 2 designates control processor as T-10, GPS module as T-20, and ROM as T-40. the same inconsistency exists with respect to other drawings also. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11-19, 22, are rejected under 35 U.S.C 102(e) as being anticipated by Jeon et al. (US PAT: 6,567,381 B1, filed 12-21-1999, hereinafter Jeon).

Regarding claim 1, 11, and 23, Jeon discloses a method, system, and an article of manufacture for automatically measuring network parameters relating to wireless network environments with a server and at least one test terminal, comprising: connecting to the server (40, figs. 1, 4) when the test terminal (10-1, figs. 1-3) is turned on, sending on power-on registration data representing a current state of the test terminal, wherein the power-on registration data contains information indicating a start, interruption or end of the test in the at least one test terminal, and if no test plan exists in the test terminal, automatically loading a test plan from the server (40), if the test plan is loaded in the test terminal, measuring the network parameters according to the test plan, collecting and parsing the measured network parameters to obtain a set of measured network parameters, and transmitting the sets of measured network parameters to the server when there is data transmission request from the server or a predetermined set time according to the test plan (col. 6, line 13-to col. 7, line 54).

Regarding claims 2-9, 12-19, Jeon further teaches the following: terminal is installed in a fixed location, test terminal is mobile (col. 3 lines 34-41), network parameters are measured by using information representing a position at which the test terminal is currently located in the wireless environment at a test start time in the test plan, position information is obtained from a global positioning system (120, fig. 2) associated with the test terminal(col. 4 lines 10-13), test terminal has a mobile station with a diagnostic monitor function to measure network parameters and a mobile station with a data service function to communicate with the server (col. 3 lines 57-64), step of collecting and parsing the measured parameters comprise decoding and storing the

measured network parameters in a storage device (col. 4 lines 39-55), turning on a mobile station with a data service function and connecting with the server using modem or a ras connection, sending the sets of decoded measured network parameters stored in a storage device to the server (40, figs. 1, 4) through the mobile station with data service function (col. 9 lines 28-35), wireless network environment is a CDMA system (col. 3 lines 31-36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon in view of Wakahara et al. (JP408263409A, hereinafter Wakahara).

Regarding claims 10 and 20, Jeon does not teach the following: downloading updated application program to the test terminal from the server when the test terminal is initially connected to the server.

However, Wakahara discloses a method and system for downloading communication software which teaches the following: downloading updated application program to the terminal from the server when the terminal is initially connected to the server (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jeon's system to provide for the following: downloading

updated application program to the test terminal from the server when the test terminal is initially connected to the server as this arrangement would enable the device to have optimum software to carry out functions required by it as taught by Wakahara, thus enhancing device functions required by the application.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon in view of Godfrey et al. (US PAT: 6,662,217 B1, filed 6-19-1999, hereinafter Godfrey)

Regarding claim 21, Jeon does not teach the following: means for handling data input and output from a web based user interface and means for transferring to the test terminal control commands including test plan and terminal software received through the web based user interface.

However, Godfrey discloses distributed and automated test administration system for administering automated tests on server computers over the internet which teaches the following: means for handling data input and output from a web based user interface and means for transferring to the test terminal control commands including test plan and terminal software received through the web based user interface (col. 2 lines 4-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jeon's system to provide for the following: means for handling data input and output from a web based user interface and means for transferring to the test terminal control commands including test plan and terminal software received through the web based user interface as this arrangement would

enable easy test administration by people who are not intimately familiar with the tests as taught by Godfrey, thus contributing lower costs etc.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon in view of Hartikainen et al. (US PAT: 6,298,377 B1, filed 9-4-1998, hereinafter Hartikainen).

Regarding claim 22, Jeon teaches the following: means for showing the current RF status coming from the test terminal, means for sending alarm list (reads on reports) generated based an RF status coming from the terminal to users by email (col. 5 lines 62-67, col. 6 lines 1-2, col. 10 lines 59-62); but he does not teach the following: means for showing current data transmission status between the test terminal and the server on web based user interface, and means for sending HTML RF reports generated by analyzing the collected network parameters stored in a database.

However, Hartikainen discloses a field device management system which teaches the following: means for showing current data transmission status between the test terminal and the server on web based user interface, and means for sending HTML reports generated by analyzing the collected network parameters stored in a database (col. 6 lines 50-67, col. 7 lines 1-4).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jeon's system to provide for the following: means for showing current data transmission status between the test terminal and the server on web based user interface, and means for sending HTML RF reports generated by analyzing the collected network parameters stored in a database as this arrangement

would provide another well known alternative to send reports to the user as taught by Hartikainen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643